

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA *ex rel.*  
JOSEPH SEIKEL and TERENCE SEIKEL,

Plaintiffs,

v.

Civil Action No. 1:23-cv-00001  
Honorable Thomas S. Klee

DAVID B. ALVAREZ; APPLIED  
CONSTRUCTION SOLUTIONS, INC.;  
ENERGY TRANSPORTATION, LLC;  
ENERGY RESOURCE GROUP, LLC;  
ET360, LLC; BEAR CONTRACTING, LLC;  
BEAR UTILITIES, LLC; JASON P.  
HENDERSON; and JOHN DOES NOS. 1-50,  
FICTITIOUS NAMES;

Defendants.

**HENDERSON DEFENDANTS' MOTION TO CONTINUE THE  
JANUARY 5, 2024 HEARING AND REQUIRED MEET AND CONFER**

Defendants Jason P. Henderson, Energy Resource Group, LLC, and ET360, LLC (collectively, the "Henderson Defendants") move this Court to continue the January 5, 2024 hearing. Good cause exists for the motion because counsel for Henderson Defendants is not available at the time of the status conference set by the Court. In support of this motion, the Henderson Defendants state as follows:

1. On December 11, 2023, the Court entered an Order setting a hearing for this matter and directing that the parties meet and confer prior to the hearing.
2. The Henderson Defendants and Alvarez Defendants have since issued subpoenas duces tecum to obtain their respective clients' PPP loan documents and information from United Bank.

3. While the parties intended to meet and confer this week as directed by the court, the undersigned will be unable to do so due to the need to attend to a family emergency.

4. For the same reason, counsel for the Henderson Defendants will be unavailable to appear for the January 4, 2024 hearing.

5. In accordance with the Local Rules, counsel for the parties have provided the following dates when they are available for the matter to be reset:

- a. January 12, 2024;
- b. January 16, 2024; and
- c. January 18, 2024.

Accordingly, the Henderson Defendants move for the Court to enter an Order to postpone the January 5, 2024 hearing and associated meet and confer.

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*Counsel for Defendants Jason P. Henderson,  
Energy Resource Group, LLC, and ET360,  
LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3rd day of January, 2024, a true and correct copy of the foregoing “Henderson Defendants’ Motion To Continue The January 5, 2024 Hearing And Required Meet And Confer” was electronically filed and served through the Court’s CM/ECF system on counsel of record listed as:

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